

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-adoption Statement of Reasons)

Amend subsections (b)(5), (b)(68), and (b)(156) of Section 7.50
Title 14, California Code of Regulations
Re: Central Valley Salmon Sport Fishing

- I. Date of Initial Statement of Reasons: December 21, 2009
- II. Date of Pre-Adopt Statement of Reasons: April 22, 2010
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: February 4, 2010
Location: Sacramento, CA
 - (b) Discussion Hearing: Date: March 3, 2010
Location: Upland, CA
 - (c) Discussion Hearing: Date: April 8, 2010
Location: Monterey, CA
 - (d) Discussion Hearing: Date: April 21, 2010
Location: Teleconference
 - (e) Adoption Hearing: Date: May 5, 2010
Location: Stockton, CA
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Purpose:

Options 1 and 2 are no longer viable and are removed from the regulatory text. The Option 3 is proposed to be modified from the ISOR regulatory language as follows:

American River, subsection 7.50(b)(5)

- 1) No change for subsections (A) through (C) from existing regulations.
- 2) Revise subsection (D) [from the southwest boundary of Ancil Hoffman Park to the mouth]:
 - a. Proposed to remain closed to salmon fishing with existing trout and steelhead limits from January 1 to October 29 and November 29 to December 31.

- b. Proposed to open to salmon fishing with a bag limit of 2 Chinook salmon with existing trout and steelhead bag limits from October 30 to November 28.

These proposed changes will achieve a harvest target of 1,000 SRFC while keeping the upper river closure for spawning intact.

Feather River, subsection 7.50(b)(68)

- 1) No change for subsections (A) through (B) from existing regulations.
- 2) Revise proposed subsection (C) [from Highway 70 bridge to Sunset Pumps]:
 - a. Change lower boundary to 1,000 feet below the Thermalito Afterbay Outfall.
 - b. No further changes from existing regulations.
- 3) Revise new subsection (D) [from Sunset pumps to the mouth]:
 - a. Change upper boundary to 1,000 feet below the Thermalito Afterbay Outfall.
 - b. Proposed to remain closed to salmon fishing with existing trout and steelhead limits from January 1 to July 30 and August 30 to December 31.
 - c. Proposed to open to salmon fishing with a bag limit of 2 Chinook salmon with existing trout and steelhead bag limits from July 31 to August 29.

These proposed changes will achieve a harvest target of 1,000 SRFC while opening the maximum length of lower river section.

Sacramento River, subsection 7.50(b)(156)

- 1) No change for subsections (A) through (D), (F) through (G), and (I) from existing regulations.
- 2) The originally proposed change to subsection (E) remains the same.
- 3) Revise subsection (H) [from Deschutes Road bridge to Red Bluff Diversion Dam]:
 - a. Proposed to remain closed to salmon fishing with existing trout and steelhead limits from January 1 to October 8 and November 1 to December 31.
 - b. Proposed to open to salmon fishing with a bag limit of 2 Chinook salmon with existing trout and steelhead bag limits from October 9 to October 31.
- 4) Revise subsection (J) [from Sycamore Boat Ramp to Highway 113 bridge]:
 - a. Proposed to remain closed to salmon fishing with existing trout and steelhead limits from January 1 to October 8 and December 13 to December 31.
 - b. Proposed to open to salmon fishing with a bag limit of 2 Chinook salmon with existing trout and steelhead bag limits from October 9 to December 12.

- 5) Revise subsection (K) [from Highway 113 bridge to Carquinez bridge]:
 - a. Proposed to remain closed to salmon fishing with existing trout and steelhead limits from January 1 to September 3 and October 4 to December 31.
 - b. Proposed to open to salmon fishing with a bag limit of 2 Chinook salmon with existing trout and steelhead bag limits from September 4 to October 3.

The proposed changes for subsection (H) and (J) will achieve a harvest target of 2,600 SRFC while reducing SRWC impacts after December 1, 2010.

The proposed changes for subsection (K) will achieve a harvest target of 3,600 SRFC while offering a limited fishing season for lower river anglers.

V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

On April 15, 2010, the Pacific Fishery Management Council (PFMC) recommended an 8,200 Sacramento River Fall Chinook (SRFC) harvest guideline for the Central Valley river salmon fisheries.

Because the PFMC adopted the final federal recommendations that allows 2010 recreational ocean salmon and Central Valley river fisheries at its April 15th decision hearing, Options 1 and 2 are no longer viable and are removed from the regulatory text.

The Department recommends a modified Option 3 to allow a limited season in the American, Feather and Sacramento rivers to achieve the PFMC harvest target of 8,200 SRFC and continue to allow a Central Valley Late-Fall Chinook fishery that reduces Sacramento River Winter Chinook (SRWC) impacts from the 2008 and 2009 fisheries.

These changes are being proposed to offer limit fishing opportunities throughout the upper Central Valley while reducing SRFC and SRWC impacts.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

(1) David Orong, e-mail dated April 2, 2010:

- a. He requests that salmon sport fishing be reinstated for the Sacramento, American and Feather rivers.

Response:

- a. The Department's recommended season will open these rivers to limited salmon fishing in 2010 at harvest levels recommended by the PFMC to offer limited fishing opportunities while reducing SRFC and

SRWC impacts.

(2) Dick Pool, Water 4 Fish, letter to PFMC dated March 25, 2010 and e-mail dated April 5, 2010:

- a. He requests a minimal impact fall salmon fishing season for the Central Valley.
- b. He requests the spring export levels, water temperatures and operation of Delta cross channel gates be used by the PFMC to craft their 2010 federal fishery recommendations.

Response:

- a. The Department's recommended season will have minimal fall run impacts per agreement with the PFMC.
- b. This comment does not address Central Valley salmon fishery regulations and cannot therefore be addressed in this particular regulatory procedure.

(3) Chris Hobbs, e-mail dated April 16, 2010:

- a. He supports the PFMC decision to open salmon fishing in 2010.
- b. He wants anglers to record their daily catch.

Response:

- a. Support noted.
- b. Salmon punch cards did not prove to be an effective harvest management tool for the salmon fishery.

(4) Craig Bentley, two emails dated April 20, 2010

- a. He supports the Commission Option 3 with a 1 Chinook salmon bag limit
- b. He wants an annual take of 5 Chinook salmon per year and apply the salmon punch card to the Central Valley.
- c. He has concerns about the proposed seasons.

Response:

- a. See Responses 3a.
- b. Salmon punch cards did not prove to be an effective harvest management tool for the salmon fishery. Annual limits are difficult to enforce and projected 2010 catches should stay within harvest targets without an annual limit and report card program.
- c. See Response 1a.

(5) Gary Mapa, e-mail dated April 20, 2010

- a. He requests the Commission keep the 2010 salmon fishing season closed.

Response:

- a. Comment noted and see Response 1a.

(6) Jack Sanchez, e-mail dated April 20, 2010

- a. He requests the Commission keep the 2010 salmon fishing season closed.

Response:

- a. Comment noted and see Response 1a.

(7) Ron LaForce, United Outdoorsman INC, oral comments at Commission meeting on April 21, 2010:

- a. He supports the Department opening up Central Valley river salmon.
- b. He requests the Feather River area near the Thermalito Afterbay Outfall be closed.
- c. He requests the Sacramento River area known as the "barge hole" above Red Bluff Diversion Dam be closed.

Response:

- a. See Response 3a.
- b. Support for the Department's modified Option 3 noted.
- c. The Department's modified Option 3 allows limited fishing while reducing SRFC and SRWC impacts.

(8) Bob Boucke, Johnson Bait and Tackle, oral comments at Commission meeting on April 21, 2010:

- a. He supports the Department opening up Central Valley river salmon.
- b. He requests the Feather River area near the Thermalito Afterbay Outfall be closed.
- c. He requests the Sacramento River area known as the "barge hole" above Red Bluff Diversion Dam be closed.
- d. He requests to have a longer season on the Feather River.

Response:

- a. See Response 3a.
- b. See Response 7b.
- c. See Response 7c.
- d. Comment noted.

Updated Informative Digest (Policy Statement Overview)

The Pacific Fishery Management Council (PFMC) will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at their March 11, 2010 meeting and develop the final PFMC regulatory recommendations to the National Marine Fisheries Service at their April 15, 2010 meeting. The PFMC coordinates Pacific coast management of the sport and commercial salmon fisheries of Washington, Oregon, California, and Idaho aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan.

Although there are no PFMC regulatory options to review at this time, there exists a strong possibility closure of ocean waters off California. This closure will result in PFMC recommendations for sport salmon fishery closure in inland waters due to low 2009 Sacramento River Fall Chinook salmon returns to the Central Valley river system.

Further Commission actions affecting the Central Valley salmon sport fishery may be developed after the annual PFMC reports, *Review of 2009 Ocean Salmon Fisheries* and *Preseason Report I Stock Abundance Analysis for 2010 Ocean Salmon Fisheries*, are available in late February 2010.

Present Regulations

The current regulations allow for no salmon fishing for Chinook salmon in all anadromous Central Valley rivers and streams except for a one salmon bag limit in the Sacramento River from Red Bluff Diversion Dam to Knights Landing from November 16 through December 31.

Proposed Regulations

For public notice purposes and to facilitate Commission discussion, the Department is proposing the following three options for the 2010 regulations:

Option 1 - No change option, to keep present regulations in place

Option 2 - No salmon fishing in all anadromous Central Valley rivers and streams

This option proposes to close all anadromous areas of the Central Valley to salmon sport fishing with the following changes:

- 1) In subsection 7.50(b)(156)(J), replace the one salmon bag limit in Sacramento River from Red Bluff Diversion Dam to Knights Landing from November 1 through December 31 with language that states "Closed to salmon fishing" and "No take or possession of salmon".

This option would increase protection for all Central Valley Chinook stocks in all anadromous Central Valley rivers and streams.

Additional minor changes to the regulations are proposed to improve clarity, reduce public confusion, and simplify Title 14 structure.

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